

Minutes
Town of Lake Park, Florida
Regular Commission Meeting
November 17, 2004 7:30 p.m.
Town Commission Chambers, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, November 17, 2004 at 7:30 PM. Present were Mayor Castro, Vice Mayor Balias, Commissioners Carey, Daly and Garretson, Town Attorney Thomas J. Baird, Interim Town Manager Paul Carlisle and Town Clerk Stephanie Thomas.

Paul Castro led the Invocation.

Vice Mayor Balias led the Pledge of Allegiance.

Town Clerk Stephanie Thomas performed the Roll Call.

ADDITIONS/DELETIONS

Mayor Castro requested to pull Item L-9 Town Employee Pay Ranges. Mayor Castro recommended that an investigation be conducted by staff to determine what the comparable municipalities employee pay ranges are. In addition to the investigation, Mayor Castro would like to have the item return before the Commission once a new Town Manager has been hired.

Motion: **A motion was made by Commissioner Garretson to approve the November 17, 2004 Agenda. Commissioner Carey made the second.**

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Garretson	X		
Commissioner Carey	X		
Commissioner Daly	X		
Vice-Mayor Balias	X		
Mayor Castro	X		

Motion passed 5-0.

CONSENT AGENDA

Regular Commission Meeting Minutes of October 25, 2004 and November 3, 2004.

Motion: A motion was made by Commissioner Garretson to approve the Regular Commission Meeting Minutes of October 25 and November 3, 2004. Vice Mayor Balias made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Garretson	X		
Vice-Mayor Balias	X		
Commissioner Carey	X		
Commissioner Daly	X		
Mayor Castro	X		

Motion passed 5-0.

PUBLIC COMMENTS

The following person(s) addressed the Commission:

None.

ORDINANCES ON FIRST READING

Ordinance 24-2004-Canopy Ordinance

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 32, ARTICLE I AND V OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK; PROVIDING FOR THE AMENDMENT OF SECTION 32-2 ENTITLED "DEFINITIONS" TO ADD A DEFINITION OF "FREESTANDING CANOPY;" PROVIDING FOR THE CREATION OF SECTION 32-95 TO BE ENTITLED "FREESTANDING CANOPY" RESTRICTING THE ERECTION OF SUCH CANOPIES IN RESIDENTIAL ZONING DISTRICTS AND TO REQUIRE A BUILDING PERMIT FOR SUCH CANOPIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Town Manager Paul Carlisle gave a brief summary on the Ordinance. He stated that the Planning and Zoning Board did not approve the Ordinance due to the strict requirements. The general feeling among the Commission is that Ordinance 24-2004 is unnecessary, and that it does not provide further definition or clarification as it pertains to the Code.

Motion: A motion was made by Commissioner Garretson to approve Ordinance 24-2004. Commissioner Carey made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Garretson	X		
Commissioner Carey	X		
Vice-Mayor Balius		X	
Commissioner Daly		X	
Mayor Castro		X	

Motion failed 2-3.

Ordinance 25-2004-Maintenance Standards for private swimming pools.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, CHAPTER 27, ARTICLE I, TO CREATE SECTION 27-5 ENTITLED "MAINTENANCE OF SWIMMING POOLS" REQUIRING THE MAINTENANCE OF SWIMMING POOLS ON PRIVATE PROPERTY WITHIN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Town Manager Paul Carlisle provided a brief explanation of Ordinance 25-2004. He stated that the purpose of the Ordinance is to regulate the safe keeping and maintenance of pools.

Motion: A motion was made by Commissioner Daly to approve Ordinance 25-2004. Commissioner Carey made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Vice-Mayor Balius	X		
Commissioner Garretson	X		
Commissioner Daly	X		
Commissioner Carey	X		
Mayor Castro	X		

Motion passed 5-0.

ORDINANCES ON SECOND READING

PUBLIC HEARINGS:

Ordinance 22-2004 Education Advisory Board

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, CHAPTER 2, ARTICLE IV, DIVISIONS 1 AND 2, AMENDING SECTION 2-57 ENTITLED "MEMBERSHIP ON CERTAIN BOARDS AND COMMITTEE TERMINATED FOR MISSING MEETINGS; FILLING OF VACANCIES;" REPEALING SECTION 2-63 ENTITLED "DECLARATION OF LEGISLATIVE INTENT, PURPOSE"; REPEALING SECTION 2-64 ENTITLED "DUTIES AND RESPONSIBILITIES;" REPEALING SECTION 2-65 ENTITLED "QUALIFICATION AND TERMS OF OFFICE OF THE BOARD"; REPEALING SECTION 2-66 ENTITLED "ELECTION OF BOARD OFFICERS, QUORUM, COMPLIANCE WITH "SUNSHINE LAW"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Hearing Opened.

No speakers.

Public Hearing Closed.

Motion: A motion was made by Vice Mayor Balius to approve Ordinance 22-2004. Commissioner Garretson made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Vice-Mayor Balius	X		
Commissioner Garretson	X		
Commissioner Daly	X		
Commissioner Carey	X		
Mayor Castro	X		

Motion passed 5-0.

RESOLUTIONS

RESOLUTION 52-11-04-Florida Inland Navigation District Agreement (FIND)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE PROJECT AGREEMENT BETWEEN THE TOWN OF LAKE PARK AND THE FLORIDA INLAND NAVIGATION DISTRICT FOR THE LAKE

SHORE PARK SEAWALL REPLACEMENT; AND PROVIDING AN EFFECTIVE DATE.

Interim Town Manager indicated that the Town applied and was approved for a grant in the amount of \$187,000.00 that would assist with the restoration of the seawall at Lake Shore Park. Interim Town Manager Paul Carlisle indicated that the landscaping will be completed under separate funding.

QUASI-JUDICIAL PUBLIC HEARING(S): RESOLUTIONS

Declarations of ex-parte communications

The following members of the Town Commission declared the following exparte communications:

Commissioner Carey	None
Commissioner Daly	Reviewed information concerning the project with Interim Town Manager Paul Carlisle.
Commissioner Garretson	Spoke with Interim Town Manager Paul Carlisle.
Vice Mayor Balius	Spoke with the applicant regarding the project and with Interim Town Manager Paul Carlisle regarding fees.
Mayor Castro	Spoke with Interim Town Manager Paul Carlisle regarding deferring the Agenda Item.

Interim Town Manager Paul Carlisle stated that there was not sufficient time to review the information that the applicant had submitted. While reviewing the information, staff determined that the information was also incomplete; therefore staff recommended a continuation of the item to the Regular Commission Meeting of December 1, 2004. The Commission stated that they support the project. The Town Commission directed Interim Town Manager Paul Carlisle to investigate the cost recovery fees.

Public Hearing opened

Diane Munroe, Hawthorne Drive, inquired about the meeting.

Richard Ahrens, Kinetic Road, made comments regarding growing fees and cost of delaying the One Park Place project.

Public Hearing closed.

RESOLUTION 11-03-04

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING A SITE PLAN FOR A MIXED-USE DEVELOPMENT OWNED BY ONE PARK AVE, LLC KNOWN AS ONE PARK PLACE LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF PARK AVENUE AND 9TH STREET, WITHIN THE PARK AVENUE DOWNTOWN ZONING DISTRICT (PADD);

Motion: A motion was made by Commissioner Garretson for continuation of the One Park Place discussion to the December 1, 2004 Regular Commission Meeting. Balius made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Garretson	X		
Commissioner Daly	X		
Commissioner Carey	X		
Vice-Mayor Balius	X		
Mayor Castro	X		

Motion passed 5-0.

DISCUSSION AND POSSIBLE ACTION

Disaster Relief Funding Agreement

Interim Town Manager Paul Carlisle indicated that the Disaster Relief Funding Agreement has to be approved in order for the Town to receive reimbursement funds from the Federal Emergency Management Agency. As a result of the damage that was caused by Hurricanes Frances and Jeanne, the Town is expected to receive between \$400,000.00 and \$500,000.00 in reimbursement funds.

Salary for Mayor and Members of the Town Commission.

Mayor Castro stated that the Commission plans to look into the employees an increase in salary and will make it retro active if deemed necessary at the time of the increase. Mayor Castro indicated that he would like to see a more detailed investigation as it pertains to municipalities that are comparable to the Town of Lake Park, in population and cost of living. Commissioner Garretson recommended that in requesting the investigation he would also like to see what other comparable municipalities are providing for employee benefits.

Motion: A motion was made by Commissioner Garretson accept the Florida League of Cities average estimated salary for Commissioners in the comparable municipalities in the amount of \$9,380.00 and \$10,000.00 for the Mayor. Vice Mayor Balius made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Garretson	X		

Commissioner Daly	X		
Commissioner Carey	X		
Vice-Mayor Balus	X		
Mayor Castro		X	

Motion passed 4-1.

Consensus to draft a Resolution requesting the State of Florida to conduct a Full Investigation of Florida Power and Light (FPL).

Mayor Castro recommended adding verbiage in the Resolution that would also request to look into the maintenance practices and also to ensure that the work that was completed after the hurricanes meets the standard requirements of FPL.

Motion: A motion was made by Vice Mayor Balus to direct staff to draft a Resolution requesting the State of Florida to conduct a full investigation of FPL practices. Commissioner Daly made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Vice Mayor Balus	X		
Commissioner Daly	X		
Commissioner Carey	X		
Commissioner Garretson	X		
Mayor Castro	X		

Motion passed 5-0.

Lowe's Home Improvement Store Special Event Permit for a Holiday Tree Sale.

Motion: A motion was made by Vice Mayor Balus to approve Lowe's Home Improvement Store's Special Events Permit for the Holiday Tree Sale. Commissioner Garretson made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Vice Mayor Balus	X		

Commissioner Garretson	X		
Commissioner Carey	X		
Commissioner Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Palm Tran Shelter

Motion: A motion was made by Commissioner Garretson do away with the Palm Tran Shelters. Vice Mayor Balius made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Garretson	X		
Vice Mayor Balius	X		
Commissioner Carey	X		
Commissioner Daly	X		
Mayor Castro	X		

Motion passed 5-0.

COMMENTS BY COMMISSION, TOWN MANAGER AND TOWN ATTORNEY

Mayor Castro

Mayor Castro requested that staff allow residents additional time if they are still experiencing problems with the removal of trees. He recommended that staff provide suggestive ideas to assist the residents in locating a company that will inexpensively remove the trees. Mayor Castro thanked Captain Doug Reese, Palm Beach County Sheriffs Office, for monitoring areas that are being abuse by traffic violators. Mayor Castro would like to see calming device installed in the residential areas that are affected by high traffic volume.

Vice-Mayor Balius

Vice Mayor Balius addressed concerns with his office and home telephone voice messaging system. Vice Mayor Balius apologized to anyone that was attempting to contact him during the time that he was experiencing trouble. He inquired about the monthly police reports. He publicly noted that the Harbor Marina Manager Patience Cohn appeared in the Coastal Magazine. He stated that he was very proud of her. In response to an inquiry about the

scheduling of the Evaluation Appraisal Report results meeting, there was general consensus to schedule a workshop during early January 2005 and to direct staff to investigate the Town Code of Ordinances as it pertains to the amount of terms an advisory board member can serve.

Commissioner Carey

No comments.

Commissioner Daly

Commissioner Daly inquired about the location of the Boys and Girls Club location. Commissioner Daly also requested that staff investigate what the marina bond funds can be used for. He inquired about possible restrictions, and if the restaurant shell can be constructed with the use of those funds.

Commissioner Garretson

Commissioner Garretson made the recommendation to direct staff to look into implementing a paperless system for the preparation of the Agendas. There was consensus among the Town Commission to direct staff to investigate the cost associated with implementing a paperless system.

Interim Town Manager

At the request of Interim Town Manager Paul Carlisle, there was consensus to allow staff to draft a letter supporting the Northern Improvement District Board's seating arrangement. Interim Town Manager requested the week of the Thanksgiving Holiday and will assign an "acting" interim Manager in his absence. He indicated that he can be reached on his cell phone if necessary.

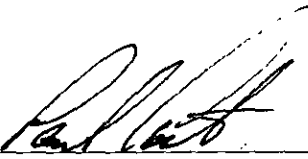
Town Attorney

No comment

ADJOURNMENT:

There being no further business to come before the Commission, after a motion to adjourn by _____, seconded by _____, by unanimous vote, the meeting adjourned at _____ p.m.

Approved on this ____ day of _____, 200__.



Mayor Paul Castro



Stephanie Thomas, Town Clerk





Town of Lake Park Public Comment Card

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Meeting Date: 11/15/04

**CARDS MUST BE SUBMITTED BEFORE THE ITEM IS
DISCUSSED!**

*****3 MINUTE TIME LIMITATION ON ALL COMMENTS*****

Name: Colleen Walter, Kilday & Associates, Inc.

Address: 1551 Forum Place

I would like to make comments on the following AGENDA ITEM(S):

E.1. - potential questions following presentation

I would like to make comments on the following NON-AGENDA ITEM(S):

INSTRUCTIONS: PLEASE FILL OUT THIS CARD, INCLUDING NAME AND ADDRESS, AND GIVE TO THE TOWN CLERK. THE MAYOR WILL CALL YOUR NAME WHEN IT IS TIME FOR YOU TO SPEAK. *Comments must be limited to no more than three minutes per individual.*